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VIA ECF

Honorable James L. Cott
United States District Court
Southern District of New York
500 Pearl Street, Room 21D
New York, New York 10007

Re: *Shulman, et al. v. Chaitman LLP, et al.*
S.D.N.Y. Docket No.: 17-CV-09330 (VM) (JLC)
KBR File No.: 255.007

Dear Magistrate Judge Cott:

This firm represents Defendant, Chaitman LLP, in the above-referenced matter. In advance of the upcoming telephone conference, we respectfully submit this letter to set forth Chaitman LLP's position regarding the various items identified in the Court's text Order dated July 22, 2019.

- (1) Revised discovery schedule – Resolution of Issue # 2 (bifurcation) will necessarily impact the revised discovery schedule. Nonetheless, we anticipate non-expert discovery, including several party and non-party depositions, will be complete by December 31, 2019.
- (2) Bifurcation of discovery – Defendant Chaitman, LLP reiterates its position that discovery should be bifurcated such that issues relevant to class certification should be explored and resolved prior to discovery on the merits, as set forth in Dkt. 96.
- (3) Remaining document discovery issues – We will continue to work with counsel for plaintiff regarding their outstanding requests.
- (4) Plaintiff's privilege log – Counsel for plaintiff has agreed to supplement their privilege log. Chaitman LLP reserves all rights and objections with respect to same.
- (5) Defendant's Motion to Disqualify – We request that the Court set a deadline of 30 days from receipt of a proper privilege log, as referenced in Item # 4 above, for Chaitman LLP to make a motion to disqualify. Additionally, Chaitman LLP reserves all rights to move to disqualify attorney Dylan Ruga as counsel in the future upon discovery of information that may warrant disqualification.

We thank you in advance for the Court's consideration.

Very truly yours,

KAUFMAN BORGEEEST & RYAN LLP



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